

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550**

IN THE MATTER OF

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DATE: December 9, 2005

Louis E. Barnett, III  
Attorney (Former)  
Office of the Attorney General  
11408 Canterbury Court  
Mitchellville, Maryland 20721

DOCKET NO.: 05F-004

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Louis E. Barnett, Attorney (Former), Office of the Attorney General, failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 12, 2005, OCF ordered Louis E. Barnett (hereinafter respondent), to appear at a scheduled hearing on August 29, 2005, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On August 29, 2005, the respondent appeared at the scheduled hearing and testified that he separated from the District Government on December 3, 2004. Respondent further stated that he was not afforded an exit interview, and that he was not informed of the requirement to file upon separation from government service. Respondent stated that he became aware of the filing requirement when he received a

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telephone call from OCF, to which he responded by filing. Respondent filed a fully executed Financial Disclosure Statement with OCF on July 5, 2005.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent filed a Financial Disclosure Statement within the extended filing deadline for calendar year 2002 on May 27, 2003; and timely filed for calendar year 2003 on May 17, 2004.
2. Respondent separated from government service on December 3, 2004.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
4. Respondent filed the required Financial Disclosure Statement on July 5, 2005.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for the filing delinquency because he believed he was not informed of the requirement to file a final FDS with OCF upon separation from government service; and, it is more likely than not inasmuch as respondent promptly filed the required FDS upon OCF's notification of his failure to do so.
7. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$700.00 for failing to timely file a Financial Disclosure Statement.

4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that he was not informed of the requirement to file a final FDS with OCF upon separation from government service, and that he promptly filed upon receipt of OCF's telephone contact, coupled with a favorable filing history, constitute good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs  
Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams  
General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

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**Date**

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**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on Louis E. Barnett, III, by regular mail, on December 9, 2005.

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cc: Robert J. Spagnoletti, Attorney General  
for the District of Columbia  
Office of the Attorney General  
1350 Pennsylvania Avenue, NW  
Room 409  
Washington, DC 20004

Frank Sobolesky, HR Advisor  
Office of the Attorney General  
1350 Pennsylvania Avenue, NW  
Room 409  
Washington, DC 20004

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.